

UNITED STATES COURT OF APPEALS  
FOR THE SECOND CIRCUIT

**SUMMARY ORDER**

RULINGS BY SUMMARY ORDER DO NOT HAVE PRECEDENTIAL EFFECT. CITATION TO A SUMMARY ORDER FILED ON OR AFTER JANUARY 1, 2007, IS PERMITTED AND IS GOVERNED BY FEDERAL RULE OF APPELLATE PROCEDURE 32.1 AND THIS COURT'S LOCAL RULE 32.1.1. WHEN CITING A SUMMARY ORDER IN A DOCUMENT FILED WITH THIS COURT, A PARTY MUST CITE EITHER THE FEDERAL APPENDIX OR AN ELECTRONIC DATABASE (WITH THE NOTATION "SUMMARY ORDER"). A PARTY CITING TO A SUMMARY ORDER MUST SERVE A COPY OF IT ON ANY PARTY NOT REPRESENTED BY COUNSEL.

At a stated term of the United States Court of Appeals  
for the Second Circuit, held at the Thurgood Marshall  
United States Courthouse, 40 Foley Square, in the City of  
New York, on the 26<sup>th</sup> day of April, two thousand eighteen.

PRESENT:

DENNIS JACOBS,  
PETER W. HALL,  
RAYMOND J. LOHIER, JR.,  
*Circuit Judges.*

LI JIN ZHANG,

*Petitioner,*

v.

JEFFERSON B. SESSIONS III,  
UNITED STATES ATTORNEY GENERAL,

*Respondent.*

17-362  
NAC

FOR PETITIONER:

Zhen Liang Li, New York, NY.

FOR RESPONDENT:

Chad A. Readler, Principal Deputy  
Assistant Attorney General;

1 Janette L. Allen, Senior  
2 Litigation Counsel; Neelam  
3 Ihsanullah, Trial Attorney, Office  
4 of Immigration Litigation, United  
5 States Department of Justice,  
6 Washington, DC.  
7

8 UPON DUE CONSIDERATION of this petition for review of a  
9 Board of Immigration Appeals ("BIA") decision, it is hereby  
10 ORDERED, ADJUDGED, AND DECREED that the petition for review  
11 is DENIED.

12 Petitioner Li Jin Zhang, a native and citizen of the  
13 People's Republic of China, seeks review of a January 12,  
14 2017, decision of the BIA affirming a July 29, 2016, decision  
15 of an Immigration Judge ("IJ") denying asylum, withholding of  
16 removal, and relief under the Convention Against Torture  
17 ("CAT"). *In re Li Jin Zhang*, No. A200 171 434 (B.I.A. Jan.  
18 12, 2017), *aff'g* No. A200 171 434 (Immig. Ct. N.Y. City July  
19 29, 2016). We assume the parties' familiarity with the  
20 underlying facts and procedural history in this case.

21 Under the circumstances of this case, we have reviewed  
22 the IJ's decision as modified by the BIA. *Xue Hong Yang v.*  
23 *U.S. Dep't of Justice*, 426 F.3d 520, 522 (2d Cir. 2005). The  
24 applicable standards of review are well established. See  
25 8 U.S.C. § 1252(b)(4)(B); *Xiu Xia Lin v. Mukasey*, 534 F.3d  
26 162, 165-66 (2d Cir. 2008).

1       "Considering the totality of the circumstances, and all  
2 relevant factors, a trier of fact may base a credibility  
3 determination on the demeanor, candor, or responsiveness of  
4 the applicant or witness, the inherent plausibility of the  
5 applicant's or witness's account, the consistency between the  
6 applicant's or witness's written and oral statements . . . ,  
7 and the internal consistency of each such statement . . .  
8 without regard to whether an inconsistency, inaccuracy, or  
9 falsehood goes to the heart of the applicant's claim."

10 8 U.S.C. § 1158(b)(1)(B)(iii); *Xiu Xia Lin*, 534 F.3d at 163-  
11 64. Substantial evidence supports the agency's determination  
12 that Zhang was not credible as to his claim that police  
13 detained and beat him for attending an unregistered church in  
14 China.

15       The agency reasonably relied in part on Zhang's and his  
16 uncle's unresponsiveness and evasiveness when asked to  
17 testify about matters that might impugn their credibility or  
18 that deviated from their written statements. See 8 U.S.C.  
19 § 1158(b)(1)(B)(iii); *Majidi v. Gonzales*, 430 F.3d 77, 81 n.1  
20 (2d Cir. 2005) (recognizing that particular deference is  
21 given to the trier of fact's assessment of demeanor). That  
22 finding is supported by the record.

1       The demeanor finding and the overall credibility  
2 determination are bolstered by record inconsistencies. See  
3 *Li Hua Lin v. U.S. Dep't of Justice*, 453 F.3d 99, 109 (2d  
4 Cir. 2006). The agency reasonably found that Zhang testified  
5 inconsistently regarding whether the reason he became too  
6 depressed to work was the requirement that he report to police  
7 after his release from detention or the ending of a  
8 relationship. See 8 U.S.C. § 1158(b)(1)(B)(iii). Zhang  
9 also made inconsistent statements regarding how long he  
10 worked in Shanghai, which was a long distance from his home  
11 and church: his application recited that he worked in Shanghai  
12 for five years, while he testified that he worked there for  
13 a few months. See *id.* Zhang did not provide compelling  
14 explanations for these inconsistencies. See *Majidi*, 430 F.3d  
15 at 80 ("A petitioner must do more than offer a plausible  
16 explanation for his inconsistent statements to secure relief;  
17 he must demonstrate that a reasonable fact-finder would be  
18 *compelled* to credit his testimony." (internal quotation marks  
19 omitted)).

20       Moreover, as the agency observed, Zhang's testimony was  
21 inconsistent with his uncle's testimony regarding whether  
22 Zhang was attending church when they last saw each other in

1 China, and regarding where the uncle works in the United  
2 States. See 8 U.S.C. § 1158(b)(1)(B)(iii). Zhang could not  
3 compellingly explain these inconsistencies. See *Majidi*, 430  
4 F.3d at 80

5 Having questioned Zhang's credibility, the agency  
6 reasonably relied further on his failure to rehabilitate his  
7 claim with reliable evidence that police in China had targeted  
8 him in the past and remained interested in him. "An  
9 applicant's failure to corroborate his or her testimony may  
10 bear on credibility, because the absence of corroboration in  
11 general makes an applicant unable to rehabilitate testimony  
12 that has already been called into question." *Biao Yang v.*  
13 *Gonzales*, 496 F.3d 268, 273 (2d Cir. 2007). The agency did  
14 not err in declining to credit letters from Zhang's mother  
15 and friend in China because the letters were unsworn, and the  
16 authors were unavailable for cross-examination. See *Y.C. v.*  
17 *Holder*, 741 F.3d 324, 334 (2d Cir. 2013). Zhang admitted  
18 that he had no evidence to corroborate a doctor's visit to  
19 treat his injuries after his release from detention. And,  
20 although Zhang submitted a receipt from the fine his parents  
21 purportedly paid to secure his release, he testified  
22 (inconsistently) that he had no evidence of that payment.

1        Given the demeanor and inconsistency findings, and the  
2        lack of reliable corroboration, the agency's adverse  
3        credibility determination is supported by substantial  
4        evidence.        8 U.S.C.    § 1158(b)(1)(B)(iii).        That  
5        determination is dispositive of asylum, withholding of  
6        removal, and CAT relief because all three claims are based on  
7        the same factual predicate.    See *Paul v. Gonzales*, 444 F.3d  
8        148, 156-57 (2d Cir. 2006).

9        For the foregoing reasons, the petition for review is  
10       DENIED. As we have completed our review, any stay of removal  
11       that the Court previously granted in this petition is VACATED,  
12       and any pending motion for a stay of removal in this petition  
13       is DISMISSED as moot. Any pending request for oral argument  
14       in this petition is DENIED in accordance with Federal Rule of  
15       Appellate Procedure 34(a)(2), and Second Circuit Local Rule  
16       34.1(b).

17                                FOR THE COURT:  
18                                Catherine O'Hagan Wolfe, Clerk of Court